

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 97-1072

United States of America,

Appellee,

v.

Lewis Barnes,

Appellant.

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* Appeal from the United States
* District Court for the
* Eastern District of Arkansas.
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* [UNPUBLISHED]
*

Submitted: September 12, 1997
Filed: September 23, 1997

Before BEAM, MAGILL, and LOKEN, Circuit Judges.

PER CURIAM.

Lewis Barnes appeals his convictions following a conditional guilty plea of being a felon in possession of a firearm pursuant to 18 U.S.C. § 922 (a)(6). Counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), and was granted leave to withdraw. Barnes did not file a pro se supplemental brief.

On appeal Barnes asserts that the district court erred in denying his pretrial motion to dismiss. Specifically, Barnes argues that his federal prosecution following an unsuccessful state prosecution constituted a double jeopardy violation. Our de novo

review reveals no error in the district court's denial of Barnes's motion to dismiss on double jeopardy grounds, as Barnes's prosecution was permissible under the dual sovereignty doctrine, and no exceptions apply. See United States v. Basile, 109 F.3d 1304, 1306-07 (8th Cir. 1997), petition for cert. filed, No. 97-5057 (June 26, 1997), and petition for cert. filed, 66 U.S.L.W. 3129 (July 25, 1997) (97-171)

Having carefully reviewed counsel's submission and the record in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues.

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.